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F. # 2005V01176

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

ANTONIO LOZADA
also known as
"Lozada Rivera,"

Defendant.

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PRELIMINARY ORDER OF FORFEITURE

05-CR-0284 (ARR)

WHEREAS, in the Forfeiture Allegation of the Superseding Indictment in the above-captioned case, the United States sought forfeiture pursuant to Title 18, United States Code, Section 982, of all property involved in the offense in violation of Title 18, United States Code, Section 1956(h), and all property traceable to such property; and

WHEREAS, on October 21, 2005, in the above-captioned case, the defendant pled guilty to Count Two of the Superseding Indictment as alleged, to wit, conspiracy to transport, transmit and transfer funds from a place in the United States to and through a place outside the United States, knowing that the funds involved in the transportation, transmission and transfer represented the proceeds of some form of unlawful activity, and knowing that such transportation, transmission and transfer was designed in whole or in part to conceal and disguise the nature, location, source, ownership and control of the proceeds of specified unlawful activity, to wit: narcotics trafficking, in violation of Title 18, United States Code, Section 1956(a)(2)(B)(i); and

WHEREAS, pursuant to the defendant's plea agreement, the defendant agreed and consented to forfeit to the United States all of his right, title and interest in the sum of $736,366.00 in United States currency, more or less, and all proceeds traceable thereto, seized by Special Agents of the United States Immigration and Customs Enforcement from 143-51 Roosevelt Avenue, Apartment 5D, Flushing, New York on or about March 8, 2005 (hereinafter "the Forfeited Funds").

WHEREFORE, it is hereby ORDERED, ADJUDGED AND DECREED THAT:

1. Pursuant to Title 18, United States Code, Section 982, the defendant shall forfeit to the United States all of his right, title and interest in the Forfeited Funds.

2. Upon entry of this Order, the United States Attorney General, or his designee, is authorized to seize the Forfeited Funds and to conduct any discovery necessary to identify or dispose of the Forfeited Funds in accordance with Fed. R. Crim. P. 32.2(b)(3).

3. Upon entry of this Order, the United States Attorney General is authorized to commence any applicable proceedings necessary to comply with the statutes governing the rights of

third-parties, including giving notice of this Preliminary Order of Forfeiture.

4. The United States shall publish notice of this Preliminary Order of Forfeiture in a newspaper of general circulation in this district, and of its intent to dispose of the Forfeited Funds in such a manner as the Attorney General or his designee may direct.

5. Any person, other than the defendant, asserting a legal interest in the Forfeited Funds must within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier, petition the Court for a hearing, without a jury, to adjudicate the validity of his alleged interest in the Forfeited Funds, and for an amendment to this order, pursuant to Fed. R. Crim. P. 32.2(c).

6. Any petition filed by a third-party asserting an interest in the Forfeited Funds shall (i) be signed by the petitioner upon penalty of perjury; (ii) set forth the nature and extent of the petitioner's right, title or interest in the Forfeited Funds; and (iii) any additional facts supporting the petitioner's claim and relief sought.

7. The United States may also, to the extent practicable, provide direct written notice to any person known to have an alleged interest in any assets identified and/or seized in accordance with Fed. R. Crim. P. 32.2(e)(1) as a substitute for

publishing notice as to those persons so identified.

8. Pursuant to Fed. R. Crim. P. 32.2(b)(3), this Preliminary Order shall become final as to the defendant at the time of sentencing and shall be made part of the sentence and included in the judgment.

9. At the expiration of the period provided by statute, or, in the event any third-party files a timely claim, upon adjudication of all third-party interests, the Court will enter a Final Order of Forfeiture in which all interests will be addressed.

10. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

11. The Clerk of the Court shall forward six (6) certified copies of this Order to Assistant U.S. Attorney Brendan G. King, U.S. Attorney's Office, Eastern District of New York, One Pierrepont Plaza, 16th Floor, Brooklyn, New York 11201.

Dated: Brooklyn, New York
February 6, 2006

[signature]
HONORABLE ALLYNE R. ROSS
UNITED STATES DISTRICT JUDGE